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Attorneys for Petitioner
MAURICE A. VASQUEZ

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

MAURICE V. VASQUEZ,

Petitioner,

v.

TOM FELKER, Warden of the High
Desert State Prison,

Respondent.

No. C 08-5051 SI

**MOTION FOR EXTENSION OF
TIME TO FILE TRAVERSE AND
SUPPORTING MEMORANDUM**

Petitioner Maurice Vasquez, through his counsel, hereby moves the Court for a thirty day extension of time, from July 15, 2009, to and including August 14, 2009, to file his traverse and supporting memorandum in this habeas matter.

In support of this motion, Dennis P. Riordan declares under penalty of perjury as follows:

1. This office is counsel for petitioner Maurice Vasquez.

2. Petitioner filed a verified petition for a writ of habeas corpus and supporting memorandum in this Court on November 5, 2008. The petition and memorandum challenge Mr. Vasquez's state court convictions for kidnaping, use of a firearm, possession of a firearm by a felon, and related enhancements resulting in a state prison term of 19 years.

3. On November 17, 2008, this Court issued an order to show cause requiring respondent to file an answer to the petition on or before February 13, 2009, and petitioner to file any traverse

1 to the answer on or before March 13, 2009. Respondent thereafter sought and received two
2 extensions of time, to and including June 15, 2009, to file the answer and supporting
3 memorandum. Respondent filed his answer and supporting memorandum on that date.

4 4. We have not sought or received any prior extensions of time to file the traverse and
5 supporting memorandum.

6 5. This motion is founded on the extraordinary press of business in this office which has
7 prevented our filing the traverse and supporting memorandum by today's due date. Specifically,
8 since respondent filed his answer and supporting memorandum, we have been required to file,
9 and have filed, an answering brief in the Ninth Circuit Court of Appeals challenging the
10 government's interlocutory appeal of a district court excluding evidence in a federal prosecution
11 for alleged false statements before the grand jury, United States v. Barry Lamar Bonds, Ninth
12 Cir. No. 09-10079; an opening brief on appeal challenging our client's reinstated conviction for
13 second degree murder arising out of a fatal dog mauling, People v. Knoller (San Francisco Sup.
14 Ct. No. 181813-01); a reply in support of an appeal in the Ninth Circuit Court of Appeals
15 challenging our client's federal court convictions for conspiracy and securities fraud, United
16 States v. Montesano, Central Dist. No. CR 03-00620 - TJH; an extensive reply in support of a
17 Ninth Circuit appeal challenging our client's federal court convictions for conspiracy to obstruct
18 justice, perjury, solicitation to commit arson, mail fraud, and related offenses, United States v.
19 Mohsen (Northern Dist. No. CR 03-00095-01 WBS); a federal petition for a writ of habeas
20 corpus challenging a sentencing enhancement imposed by the state trial court in connection with
21 our client's state drug offense convictions, Pitto v. Yates, Northern Dist. No. :09-cv-03023-JSW;
22 a reply in support of an appeal challenging our client's state court conviction for second degree
23 murder and related gang and firearm enhancements resulting in a sentence of 50 years to life in
24 state prison, People v. Campos, First App. Dist. No. A120888; a petition for review in the
25 California Supreme Court to be filed by July 12, 2009, as to a published Court of Appeal
26 decision holding that Starbucks management personnel were permitted to share tips with
27 employees notwithstanding Labor Code §351 and state decisional precedent holding to the
28 contrary, Jou Chau v. Starbucks Corp., Fourth App. Dist. No. D053491 (2009 WL 1887761); a

petition for rehearing as to a partially published opinion rejecting our appellate claims and affirming our client's state court conviction for sexual assault, People v. Hall, First App. Dist. No. A119292; a petition for a writ of certiorari in the United States Supreme Court as to a Ninth Circuit Court of Appeals decision denying our appeal from our client's federal court convictions on numerous counts of federal tax evasion, United States v. Easterday, No. Dist. No. CR 05-00150 CW; and a petition for a writ of certiorari in the United States Supreme Court as to a Ninth Circuit decision affirming the money laundering and related federal convictions of our client, the former prime minister of the Ukraine, United States v. Lazarenko, Ninth Cir. No. 06-10592.

6. In addition, prior to the requested date of August 14, 2009, we will be required to file a reply brief in the Ninth Circuit Court of Appeals challenging our client's federal court convictions on numerous counts of mail fraud and theft of honest services, United States v. Garrido, et al., Central Dist. No. 04-1594 (B) - SVW; an opening brief on appeal challenging our client's state court convictions for first degree special circumstances murder, attempted murder, elder abuse, and related offenses, resulting in a sentence of life without the possibility of parole, People v. Porter, Fifth App. Dist. No. F057076; an opening brief in support of an appeal challenging our client's state court multiple felony vehicular manslaughter convictions, People v. Vellanoweth, Third App. Dist. No. C060319; a federal petition for a writ of habeas corpus challenging our client's state court conviction for first degree murder, a case involving an appellate record of more than 10,000 pages, People v. Phan, Northern Dist. No. ___ (CA Third App. Dist. No. C049751); a reply in support of an appeal challenging our client's multiple state court convictions for sexual assault resulting in a sentence of twenty three years in state prison, People v. Chan, First App. Dist. No. A122550; a motion for a certificate of appealability in the federal district court as to its order and judgment denying habeas relief in connection with our client's state court conviction for first degree murder, resulting in a sentence of 25 years to life in state prison, Woods v. Adams, Central Dist. No. SAVC 06-69 AHM (JWJ); a petition for review in the California Supreme Court in the Hall matter, *supra*; a memorandum in support of the federal habeas corpus petition in the Pitto matter, *supra*; and an amended opening brief in our

1 appeal from a trial court order denying post conviction relief based on new scientific evidence in
2 a capital case involving a 1993 triple homicide in West Memphis, Arkansas, Echols v. Arkansas,
3 Craighead Co. Court No. CR-93-450A, Ark. Supreme Ct. No. CR 08-1493.

4 7 Mr. Vasquez is incarcerated.

5 8. In view of the foregoing circumstances, I respectfully request that the Court extend
6 the time for filing petitioner's traverse and supporting memorandum for a period of thirty days,
7 to and including August 14, 2009.

8 Executed this 15th day of July, 2009, at San Francisco, California.

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10 /s/ Dennis P. Riordan
DENNIS P. RIORDAN

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12 Counsel for Petitioner
MAURICE VASQUEZ
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No. C 08-5051 SI

[PROPOSED] ORDER

Good cause appearing therefore, the time for filing petitioner's traverse and supporting memorandum is extended to and including August 14, 2009.

DATED: 7/17/09

Susan Blanton

Susan Illston

United States District Judge

PROOF OF SERVICE BY MAIL -- 1013(a), 2015.5 C.C.P.

Re: Vasquez v. Felker

I am a citizen of the United States; my business address is 523 Octavia Street, San Francisco, California 94102. I am employed in the City and County of San Francisco, where this mailing occurs; I am over the age of eighteen years and not a party to the within cause. I served the within:

**MOTION FOR EXTENSION OF TIME TO FILE
TRAVERSE AND SUPPORTING MEMORANDUM;
[PROPOSED] ORDER**

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box at San Francisco, California, addressed as follows:

Jeffrey M. Laurence
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

[x] BY MAIL: By depositing said envelope, with postage thereon fully prepaid, in the United States mail in San Francisco, California, addressed to said party(ies);

[] BY PERSONAL SERVICE: By causing said envelope to be personally served on said party(ies), as follows: **[] FEDEX [] HAND DELIVERY**

I certify or declare under penalty of perjury that the foregoing is true and correct.
Executed on July 15, 2009 at San Francisco, California.

/s/ Jocilene Yue
Jocilene Yue